

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK
CENTRAL ISLIP DIVISION**

In re: HOLUB ENTERPRISES, INC.

§
§
§
§

Case No. 15-74196-AST

Debtor(s)

**CHAPTER 7 TRUSTEE'S FINAL ACCOUNT AND DISTRIBUTION
REPORT CERTIFICATION THAT THE ESTATE HAS BEEN FULLY
ADMINISTERED AND APPLICATION TO BE DISCHARGED (TDR)**

Andrew M. Thaler, chapter 7 trustee, submits this Final Account, Certification that the Estate has been Fully Administered and Application to be Discharged.

1) All funds on hand have been distributed in accordance with the Trustee's Final Report and, if applicable, any order of the Court modifying the Final Report. The case is fully administered and all assets and funds which have come under the trustee's control in this case have been properly accounted for as provided by law. The trustee hereby requests to be discharged from further duties as a trustee.

2) A summary of assets abandoned, assets exempt, total distributions to claimants, claims discharged without payment, and expenses of administration is provided below:

Assets Abandoned: <u>\$0.00</u> <i>(without deducting any secured claims)</i>	Assets Exempt: <u>N/A</u>
Total Distributions to Claimants: <u>\$7,935.70</u>	Claims Discharged Without Payment: <u>N/A</u>
Total Expenses of Administration: <u>\$18,797.26</u>	

3) Total gross receipts of \$26,732.96 (see **Exhibit 1**), minus funds paid to the debtor and third parties of \$0.00 (see **Exhibit 2**), yielded net receipts of \$26,732.96 from the liquidation of the property of the estate, which was distributed as follows:

	CLAIMS SCHEDULED	CLAIMS ASSERTED	CLAIMS ALLOWED	CLAIMS PAID
SECURED CLAIMS (from Exhibit 3)	\$0.00	\$34,603.90	\$7,935.70	\$7,935.70
PRIORITY CLAIMS: CHAPTER 7 ADMIN. FEES AND CHARGES (from Exhibit 4)	\$0.00	\$42,231.22	\$18,797.26	\$18,797.26
PRIOR CHAPTER ADMIN. FEES AND CHARGES (from Exhibit 5)	\$0.00	\$0.00	\$0.00	\$0.00
PRIORITY UNSECURED CLAIMS (from Exhibit 6)	\$0.00	\$20,197.31	\$20,197.31	\$0.00
GENERAL UNSECURED CLAIMS (from Exhibit 7)	\$2,133,178.83	\$1,701,074.65	\$1,701,074.65	\$0.00
TOTAL DISBURSEMENTS	\$2,133,178.83	\$1,798,107.08	\$1,748,004.92	\$26,732.96

4) This case was originally filed under chapter 7 on 09/30/2015. The case was pending for 35 months.

5) All estate bank statements, deposit slips, and canceled checks have been submitted to the United States Trustee.

6) An individual estate property record and report showing the final accounting of the assets of the estate is attached as **Exhibit 8**. The cash receipts and disbursements records for each estate bank account, showing the final accounting of the receipts and disbursements of estate funds is attached as **Exhibit 9**.

Pursuant to Fed R Bank P 5009, I hereby certify, under penalty of perjury, that the foregoing report is true and correct.

Dated: 09/07/2018

By: /s/ Andrew M. Thaler
Trustee

STATEMENT This Uniform Form is associated with an open bankruptcy case, therefore, Paperwork Reduction Act exemption 5 C.F.R. § 1320.4(a)(2) applies.

**EXHIBITS TO
FINAL ACCOUNT**

EXHIBIT 1 – GROSS RECEIPTS

DESCRIPTION	UNIFORM TRAN. CODE ¹	\$ AMOUNT RECEIVED
Thaler v. Elizabeth Holub	1249-000	\$6,000.00
Checking account, Capital One Bank (account rest	1129-000	\$20,732.96
TOTAL GROSS RECEIPTS		\$26,732.96
¹ The Uniform Transaction Code is an accounting code assigned by the trustee for statistical reporting purposes.		

EXHIBIT 2 – FUNDS PAID TO DEBTOR & THIRD PARTIES

PAYEE	DESCRIPTION	UNIFORM TRAN. CODE	\$ AMOUNT PAID
	None		

EXHIBIT 3 - SECURED CLAIMS

Claim NO.	CLAIMANT	UNIFORM TRAN. CODE	CLAIMS SCHEDULED (from Form 6D)	CLAIMS ASSERTED	CLAIMS ALLOWED	CLAIMS PAID
3	NEW YORK STATE DEPARTMENT OF TAXATI	4110-000	\$0.00	\$8,665.61	\$0.00	\$0.00
4A	IRS	4110-000	\$0.00	\$25,938.29	\$7,935.70	\$7,935.70
TOTAL SECURED			\$0.00	\$34,603.90	\$7,935.70	\$7,935.70

EXHIBIT 4 – CHAPTER 7 ADMINISTRATIVE FEES and CHARGES

PAYEE	UNIFORM TRAN. CODE	CLAIMS SCHEDULED	CLAIMS ASSERTED	CLAIMS ALLOWED	CLAIMS PAID
Trustee, Fees - ANDREW M. THALER	2100-000	NA	\$3,423.30	\$3,423.30	\$3,423.30
Attorney for Trustee Fees - THALER LAW FIRM PLLC	3110-000	NA	\$35,681.00	\$12,500.00	\$12,500.00
Attorney for Trustee, Expenses - THALER LAW FIRM PLLC	3120-000	NA	\$53.97	\$53.97	\$53.97
Charges, U.S. Bankruptcy Court	2700-000	NA	\$700.00	\$700.00	\$700.00
Bond Payments - BOND	2300-000	NA	\$8.24	\$8.24	\$8.24
Banking and Technology Service Fee - EMPIRE NATIONAL BANK	2600-000	NA	\$210.73	\$210.73	\$210.73
Banking and Technology Service Fee - EmpireNationalBank	2600-000	NA	\$109.63	\$109.63	\$109.63
Banking and Technology Service Fee - Reverses Adjustment OUT on 04/01/16	2600-000	NA	-\$30.24	-\$30.24	-\$30.24
Banking and Technology Service Fee - Reverses Adjustment OUT on 05/02/16	2600-000	NA	-\$30.19	-\$30.19	-\$30.19
Banking and Technology Service Fee - Reverses Adjustment OUT on 06/01/16	2600-000	NA	-\$30.15	-\$30.15	-\$30.15
Banking and Technology Service Fee - Reverses Adjustment OUT on 07/01/16	2600-000	NA	-\$30.10	-\$30.10	-\$30.10
Banking and Technology Service Fee - Reverses Adjustment OUT on 08/01/16	2600-000	NA	-\$30.06	-\$30.06	-\$30.06
Banking and Technology Service Fee - Reverses Adjustment OUT on 09/01/16	2600-000	NA	-\$30.02	-\$30.02	-\$30.02
Banking and Technology Service Fee - Reverses Adjustment OUT on 10/03/16	2600-000	NA	-\$29.97	-\$29.97	-\$29.97
Other State or Local Taxes (post-petition) - NYS Corporation Tax	2820-000	NA	\$138.00	\$138.00	\$138.00
Other State or Local Taxes (post-petition) - NYS DEPT OF TAXATION &	2820-000	NA	\$0.00	\$247.04	\$247.04
Accountant for Trustee Fees (Other Firm) - GARY R. LAMPERT	3410-000	NA	\$2,065.00	\$1,565.00	\$1,565.00
Accountant for Trustee Expenses (Other Firm) - GARY R. LAMPERT	3420-000	NA	\$52.08	\$52.08	\$52.08
TOTAL CHAPTER 7 ADMIN. FEES AND CHARGES		NA	\$42,231.22	\$18,797.26	\$18,797.26

EXHIBIT 5 – PRIOR CHAPTER ADMINISTRATIVE FEES and CHARGES

PAYEE	UNIFORM TRAN. CODE	CLAIMS SCHEDULED	CLAIMS ASSERTED	CLAIMS ALLOWED	CLAIMS PAID
None					

EXHIBIT 6 – PRIORITY UNSECURED CLAIMS

CLAIM NO.	CLAIMANT	UNIFORM TRAN. CODE	CLAIMS SCHEDULED (from Form 6E)	CLAIMS ASSERTED (from Proofs of Claim)	CLAIMS ALLOWED	CLAIMS PAID
1	NYS DEPT OF LABOR	5800-000	\$0.00	\$16.13	\$16.13	\$0.00
4B	IRS	5800-000	\$0.00	\$20,181.18	\$20,181.18	\$0.00
TOTAL PRIORITY UNSECURED CLAIMS			\$0.00	\$20,197.31	\$20,197.31	\$0.00

EXHIBIT 7 – GENERAL UNSECURED CLAIMS

CLAIM NO.	CLAIMANT	UNIFORM TRAN. CODE	CLAIMS SCHEDULED (from Form 6F)	CLAIMS ASSERTED (from Proofs of Claim)	CLAIMS ALLOWED	CLAIMS PAID
2	LAURA ANDREW, INC.	7100-000	\$1,610,000.00	\$1,701,044.41	\$1,701,044.41	\$0.00
4C	IRS	7100-000	\$0.00	\$30.24	\$30.24	\$0.00
N/F	Berkman Henoch Peterson Peddy & Fenchel PC	7100-000	\$0.00	NA	NA	NA
N/F	Capital One	7100-000	\$9,934.21	NA	NA	NA
N/F	Capital One	7100-000	\$900.00	NA	NA	NA
N/F	Deborah L. Rothberg & Associates c/o Richman & Levine PC	7100-000	\$500,000.00	NA	NA	NA
N/F	Midland Funding LLC Cohen & Slamowitz LLC	7100-000	\$12,344.62	NA	NA	NA
TOTAL GENERAL UNSECURED CLAIMS			\$2,133,178.83	\$1,701,074.65	\$1,701,074.65	\$0.00

Form 1

Individual Estate Property Record and Report

Asset Cases

Exhibit 8

Page: 1

Case No.: 15-74196-AST**Case Name:** HOLUB ENTERPRISES, INC.**Trustee Name:** (522000) Andrew M. Thaler**Date Filed (f) or Converted (c):** 09/30/2015 (f)**§ 341(a) Meeting Date:** 10/26/2015**For Period Ending:** 09/07/2018**Claims Bar Date:** 06/13/2016

1 Asset Description (Scheduled And Unscheduled (u) Property) Ref. #	2 Petition/ Unscheduled Values	3 Estimated Net Value (Value Determined By Trustee, Less Liens, Exemptions, and Other Costs)	4 Property Formally Abandoned OA=§554(a) abandon.	5 Sale/Funds Received by the Estate	6 Asset Fully Administered (FA)/ Gross Value of Remaining Assets
1* Checking account, Capital One Bank (account rest (See Footnote))	19,000.00	19,000.00		20,732.96	FA
2* Thaler v. Capital One, et al (u) (See Footnote)	0.00	5,000.00		0.00	FA
3* Thaler v. Elizabeth Holub (u) (See Footnote)	0.00	6,000.00		6,000.00	FA
3 Assets Totals (Excluding unknown values)	\$19,000.00	\$30,000.00		\$26,732.96	\$0.00

RE PROP# 1 Trustee may need to return the funds. May not be Estate property.

RE PROP# 2 Adversary Proceeding commenced 2/18/16 to determine parties interest in a bank account (same as asset #1).

RE PROP# 3 Trustee commenced an adversary proceeding April 14, 2016 seeking avoidance of alledged fraudulently conveyed salary and health benefits.

Major Activities Affecting Case Closing:

Tax return to be filed.

Initial Projected Date Of Final Report (TFR): 12/31/2016**Current Projected Date Of Final Report (TFR):** 05/02/2018 (Actual)

Form 2

Exhibit 9

Page: 1

Cash Receipts And Disbursements Record**Case No.:** 15-74196-AST**Trustee Name:**

Andrew M. Thaler (522000)

Case Name: HOLUB ENTERPRISES, INC.**Bank Name:**

EmpireNationalBank

Taxpayer ID #: **_***9740**Account #:**

*****7512 Checking Account

For Period Ending: 09/07/2018**Blanket Bond (per case limit):** \$44,643,604.00**Separate Bond (if applicable):** N/A

1	2	3	4		5	6	7
Trans. Date	Check or Ref. #	Paid To / Received From	Description of Transaction	Uniform Tran. Code	Deposit \$	Disbursement \$	Account Balance
03/11/16	{1}	CAPITAL ONE BANK	Bank account Turnover	1129-000	20,732.96		20,732.96
04/01/16		EMPIRE NATIONAL BANK	BANK SERVICE FEE	2600-000		30.24	20,702.72
05/02/16		EMPIRE NATIONAL BANK	BANK SERVICE FEE	2600-000		30.19	20,672.53
06/01/16		EMPIRE NATIONAL BANK	BANK SERVICE FEE	2600-000		30.15	20,642.38
07/01/16		EMPIRE NATIONAL BANK	BANK SERVICE FEE	2600-000		30.10	20,612.28
08/01/16		EMPIRE NATIONAL BANK	BANK SERVICE FEE	2600-000		30.06	20,582.22
09/01/16		EMPIRE NATIONAL BANK	BANK SERVICE FEE	2600-000		30.02	20,552.20
10/03/16		EMPIRE NATIONAL BANK	BANK SERVICE FEE	2600-000		29.97	20,522.23
11/08/16		Reverses Adjustment OUT on 04/01/16	BANK SERVICE FEE Potentially not estate funds	2600-000		-30.24	20,552.47
11/08/16		Reverses Adjustment OUT on 05/02/16	BANK SERVICE FEE Potentially not estate funds	2600-000		-30.19	20,582.66
11/08/16		Reverses Adjustment OUT on 06/01/16	BANK SERVICE FEE Potentially not estate funds	2600-000		-30.15	20,612.81
11/08/16		Reverses Adjustment OUT on 07/01/16	BANK SERVICE FEE Potentially not estate funds	2600-000		-30.10	20,642.91
11/08/16		Reverses Adjustment OUT on 08/01/16	BANK SERVICE FEE Potentially not estate funds	2600-000		-30.06	20,672.97
11/08/16		Reverses Adjustment OUT on 09/01/16	BANK SERVICE FEE Potentially not estate funds	2600-000		-30.02	20,702.99
11/08/16		Reverses Adjustment OUT on 10/03/16	BANK SERVICE FEE Potentially not estate funds	2600-000		-29.97	20,732.96
02/15/17	{3}	Elizabeth Holub	Settlement of Adversary Proceeding Adv. Proc. #16-08053	1249-000	6,000.00		26,732.96
03/31/17		Transfer to Acct # xxxxxx7722	Transfer of Funds - Thaler v. Holub Settlement	9999-000		6,000.00	20,732.96
11/20/17		UNITED BANK	WIRE TRANSFER TO FUND NEW BANK ACCOUNT	9999-000		20,732.96	0.00

COLUMN TOTALS**26,732.96****26,732.96****\$0.00**

Less: Bank Transfers/CDs

0.00

26,732.96**Subtotal****26,732.96****0.00**

Less: Payments to Debtors

0.00**NET Receipts / Disbursements****\$26,732.96****\$0.00**

Form 2

Exhibit 9

Page: 2

Cash Receipts And Disbursements Record**Case No.:** 15-74196-AST**Trustee Name:**

Andrew M. Thaler (522000)

Case Name: HOLUB ENTERPRISES, INC.**Bank Name:**

EmpireNationalBank

Taxpayer ID #: **-***9740**Account #:**

*****7722 Checking

For Period Ending: 09/07/2018**Blanket Bond (per case limit):** \$44,643,604.00**Separate Bond (if applicable):** N/A

1	2	3	4		5	6	7
Trans. Date	Check or Ref. #	Paid To / Received From	Description of Transaction	Uniform Tran. Code	Deposit \$	Disbursement \$	Account Balance
03/31/17		Transfer from Acct # xxxxxx7512	Transfer of Funds - Thaler v. Holub Settlement	9999-000	6,000.00		6,000.00
04/03/17		EmpireNationalBank	Bank Service Fee under 11 U.S.C. § 330(a)(1)(B), 503(b)(1), and 507(a)(2)	2600-000		10.00	5,990.00
05/01/17		EmpireNationalBank	Bank Service Fee under 11 U.S.C. § 330(a)(1)(B), 503(b)(1), and 507(a)(2)	2600-000		10.00	5,980.00
06/01/17		EmpireNationalBank	Bank Service Fee under 11 U.S.C. § 330(a)(1)(B), 503(b)(1), and 507(a)(2)	2600-000		10.00	5,970.00
07/03/17		EmpireNationalBank	Bank Service Fee under 11 U.S.C. § 330(a)(1)(B), 503(b)(1), and 507(a)(2)	2600-000		10.00	5,960.00
08/01/17		EmpireNationalBank	Bank Service Fee under 11 U.S.C. § 330(a)(1)(B), 503(b)(1), and 507(a)(2)	2600-000		10.00	5,950.00
09/01/17		EmpireNationalBank	Bank Service Fee under 11 U.S.C. § 330(a)(1)(B), 503(b)(1), and 507(a)(2)	2600-000		10.00	5,940.00
10/02/17		EmpireNationalBank	Bank Service Fee under 11 U.S.C. § 330(a)(1)(B), 503(b)(1), and 507(a)(2)	2600-000		10.00	5,930.00
11/01/17		EmpireNationalBank	Bank Service Fee under 11 U.S.C. § 330(a)(1)(B), 503(b)(1), and 507(a)(2)	2600-000		39.63	5,890.37
11/20/17		UNITED BANK	WIRE TRANSFER TO FUND NEW BANK ACCOUNT	9999-000		5,890.37	0.00

COLUMN TOTALS**6,000.00****6,000.00****\$0.00**

Less: Bank Transfers/CDs

6,000.00

5,890.37**Subtotal****0.00****109.63**

Less: Payments to Debtors

0.00**NET Receipts / Disbursements****\$0.00****\$109.63**

Form 2

Exhibit 9

Page: 3

Cash Receipts And Disbursements Record**Case No.:** 15-74196-AST**Trustee Name:**

Andrew M. Thaler (522000)

Case Name: HOLUB ENTERPRISES, INC.**Bank Name:**

United Bank

Taxpayer ID #: **-***9740**Account #:**

*****2260 Checking Account

For Period Ending: 09/07/2018**Blanket Bond (per case limit):** \$44,643,604.00**Separate Bond (if applicable):** N/A

1	2	3	4		5	6	7
Trans. Date	Check or Ref. #	Paid To / Received From	Description of Transaction	Uniform Tran. Code	Deposit \$	Disbursement \$	Account Balance
11/20/17		EMPIRE NATIONAL BANK	WIRE FROM FORMER BANK	9999-000	20,732.96		20,732.96
12/28/17	101	International Sureties, LTD	Bond #016027942	2300-000		8.24	20,724.72
05/02/18		To Account #*****2260	Transfer to Checking	9999-000	5,752.37		26,477.09
07/20/18	102	IRS	Distribution payment - Dividend paid at 100.00% of \$7,935.70; Claim # 4A; Filed: \$25,938.29	4110-000		7,935.70	18,541.39
07/20/18	103	ANDREW M. THALER	Distribution payment - Dividend paid at 100.00% of \$3,423.30; Claim # FEE; Filed: \$3,423.30	2100-000		3,423.30	15,118.09
07/20/18	104	GARY R. LAMPERT	Distribution payment - Dividend paid at 100.00% of \$1,565.00; Claim # ; Filed: \$2,065.00	3410-000		1,565.00	13,553.09
07/20/18	105	GARY R. LAMPERT	Distribution payment - Dividend paid at 100.00% of \$52.08; Claim # ; Filed: \$52.08	3420-000		52.08	13,501.01
07/20/18	106	US BANKRUPTCY COURT CLERK	Distribution payment - Dividend paid at 100.00% of \$700.00; Claim # ; Filed: \$700.00	2700-000		700.00	12,801.01
07/20/18	107	THALER LAW FIRM PLLC	Distribution payment - Dividend paid at 100.00% of \$12,500.00; Claim # ; Filed: \$35,681.00	3110-000		12,500.00	301.01
07/20/18	108	THALER LAW FIRM PLLC	Distribution payment - Dividend paid at 100.00% of \$53.97; Claim # ; Filed: \$53.97	3120-000		53.97	247.04
07/20/18	109	NYS DEPT OF TAXATION &	Distribution payment - Dividend paid at 100.00% of \$247.04; Claim # 5; Filed: \$0.00	2820-000		247.04	0.00

COLUMN TOTALS**26,485.33****26,485.33****\$0.00**

Less: Bank Transfers/CDs

26,485.33

0.00**Subtotal****0.00****26,485.33**

Less: Payments to Debtors

0.00**NET Receipts / Disbursements****\$0.00****\$26,485.33**

Form 2

Exhibit 9

Page: 4

Cash Receipts And Disbursements Record**Case No.:** 15-74196-AST**Trustee Name:**

Andrew M. Thaler (522000)

Case Name: HOLUB ENTERPRISES, INC.**Bank Name:**

United Bank

Taxpayer ID #: **-***9740**Account #:**

*****2279 Checking Account

For Period Ending: 09/07/2018**Blanket Bond (per case limit):** \$44,643,604.00**Separate Bond (if applicable):** N/A

1	2	3	4		5	6	7
Trans. Date	Check or Ref. #	Paid To / Received From	Description of Transaction	Uniform Tran. Code	Deposit \$	Disbursement \$	Account Balance
11/20/17		EMPIRE NATIONAL BANK	WIRE FROM FORMER BANK	9999-000	5,890.37		5,890.37
03/05/18	101	NYS Corporation Tax	FID#11-2539740/Form: CT-3S/2015	2820-000		58.00	5,832.37
03/05/18	102	NYS Corporation Tax	FID#11-2539740/Form: CT-3S/Year 2016	2820-000		55.00	5,777.37
03/05/18	103	NYS Corporation Tax	FID#11-2539740/Form: CT-3S/Year 2017	2820-000		25.00	5,752.37
05/02/18		To Account #*****2260	Transfer to Checking	9999-000		5,752.37	0.00

COLUMN TOTALS**5,890.37****5,890.37****\$0.00**

Less: Bank Transfers/CDs

5,890.37**5,752.37****Subtotal****0.00****138.00**

Less: Payments to Debtors

0.00**NET Receipts / Disbursements****\$0.00****\$138.00**

Form 2

Exhibit 9

Page: 5

Cash Receipts And Disbursements Record**Case No.:** 15-74196-AST**Trustee Name:** Andrew M. Thaler (522000)**Case Name:** HOLUB ENTERPRISES, INC.**Bank Name:** United Bank**Taxpayer ID #:** **_***9740**Account #:** *****2279 Checking Account**For Period Ending:** 09/07/2018**Blanket Bond (per case limit):** \$44,643,604.00**Separate Bond (if applicable):** N/A

Net Receipts:	\$26,732.96
Plus Gross Adjustments:	\$0.00
Less Payments to Debtor:	\$0.00
Less Other Noncompensable Items:	\$0.00
Net Estate:	\$26,732.96

TOTAL - ALL ACCOUNTS	NET DEPOSITS	NET DISBURSEMENTS	ACCOUNT BALANCES
*****7512 Checking Account	\$26,732.96	\$0.00	\$0.00
*****7722 Checking	\$0.00	\$109.63	\$0.00
*****2260 Checking Account	\$0.00	\$26,485.33	\$0.00
*****2279 Checking Account	\$0.00	\$138.00	\$0.00
	\$26,732.96	\$26,732.96	\$0.00